**Amended complaint filed in school funding suit**

Plaintiffs in the *Lobato v. State of Colorado* school funding lawsuit filed an amended complaint in Denver District Court today, March 1. CASE has been involved in helping support the lawsuit, with contributions this year from the CASSA and DBO departments, and has been working alongside CASB and CEA to seek justice for the inadequate funding of Colorado’s public schools. The amended complaint adds additional school district and parent plaintiffs and highlights how the school funding crisis in our state has reached catastrophic levels since the case was originally filed in 2005.  
  
The case was originally brought by the 14 school districts in the San Luis Valley and parents from eight school districts across the state. Two more school districts – Colorado Springs School District 11 and Bethune School District – have joined as plaintiffs, frustrated by insufficient funding that prevents them from providing a quality education for all their students that meets state and federal standards. “Enough is enough,” District 11 Superintendent Nicholas Gledich said. “It is time to make education funding a priority.”    
  
Jefferson County Superintendent Cynthia Stevenson believes that, “Jeffco’s participation in this effort is a legacy that we can leave for the children of Colorado. Public education is at the heart of our democratic society. I want the public to know that Jeffco will stand up for children and for public education. If we are going to educate our children for the future, let’s do it right with the resources that are needed.”

Parents from Denver Public Schools and Englewood Schools have also joined the suit, on behalf of themselves and their children, tired of the lack of adequate programs and services to meet their children’s educational needs.    
  
Plaintiffs’ amended complaint highlights the following alarming facts and statistics:

* In 2007, Colorado spent $1,919 less per pupil than the national average of $9,963; in 2003, it spent $551 less than the national average;
* In 2007, neighboring state Nebraska spent $3,265 more per pupil than Colorado and Kansas spent $2,285 more per pupil;
* In 2008-09, state funding was provided for only 48,000 of the approximately 101,000 students whose dominant language is other than English and who are functioning below grade level;
* In 2009, Colorado ranked 51st, including the District of Columbia, for its contribution to special education;
* K-12 funding for FY 2009-10 was reduced by 2.4% and could decline by as much as 8-12% in FY 2010-11;
* In addition to the current budget crisis, school funding levels are going to drop substantially in 2011 when we face the “cliff” – the end of the additional funding and protection provided by Amendment 23, Referendum C, and the federal stimulus dollars;
* Colorado Department of Education (CDE) projects that more than $2.8 billion is needed to bring Colorado in line with national averages in per pupil spending and teacher salaries and to fund basic educational programs, such as full-day kindergarten.

Plaintiffs allege that Colorado’s public schools are so under-funded that children throughout the State are being denied an adequate education, in violation of the state constitutional mandate of a “thorough and uniform” system of public education. The lack of funds affects all students and school districts throughout the state, but particularly the growing number of students from lower income families, ethnic and racial minorities, non-English speakers, and students with disabilities.  
  
In October 2009, the Supreme Court issued a critical decision in Plaintiffs’ favor, affirming that the Education Clause includes a “substantive mandate” to the state, subject to review by the courts, and holding that the claims of the Plaintiff parents, school children and school districts may proceed to trial. Plaintiffs anticipate a trial in the next 18 months.

Source: CASE newsletter (March 1, 2010)